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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,318	08/13/2001	John A. Keenum	HE0158	8280
21495	7590	07/01/2004	EXAMINER	
CORNING CABLE SYSTEMS LLC			CHIANG, JACK	
P O BOX 489			ART UNIT	PAPER NUMBER
HICKORY, NC 28603			2642	7

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No. 09/928318	Applicant(s) Keenum et al.		
Examiner J. Chiang	Group Art Unit 2642	#7	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 4-9-04.
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 2-36, 38-42 is/are pending in the application.
- Of the above claim(s) 2-9, 11-21, 38-42 is/are withdrawn from consideration.
- ☒ Claim(s) 22 is/are allowed.
- ☒ Claim(s) 10, 23-36 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

**RESTRICTION**

1. The restriction dated on 01-15-04 is made final.

**Art Rejection**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 10, 23-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Monti (US 4588866).

Regarding claim 10, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

A cavity (between the base and the cover);

A phone jack (14);

A slide lock (50) slidably movable (col. 4, lines 51-54), having a grip portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

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Regarding claim 23, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

Means for locking (50) the housing to the wall plate, the locking means (50) slidingly movable between an unlock position and a locked position wherein the slot (30, 32) is obstructed to prevent the housing (telephone) from being removed from the wall plate (22).

Regarding claim 31, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

A cavity (between the base and the cover);

A slide lock (50) having a grip portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Regarding claim 34, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

A cavity (between the base and the cover);

A push-button lock (50) having an actuating portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Regarding claims 24-30, 32-33, 35-36, Monti shows:

The cavity (between the base and the cover);

The locking means (50);

The slide lock (50) having the grip portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position;

The grip portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);

Guide ribs (43);

A retaining rib (35);

The push-button lock (50) having the actuating portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

The actuating portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);

Retaining clips (43); and  
Retaining posts (63).

4. Claims 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Weikle (US 6186826).

Regarding claim 34, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22);

A push-button lock (46, 50) having an actuating portion (46) and a stop portion (50), the stop portion (50) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Regarding claim 35, Weikle shows:

The actuating portion (46) extends outwardly from the housing in the unlocked position and is substantially flush with housing in the lock position (fig. 5);

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 31-33, 23-27, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weikle in view of Monti (US 4588866).

Regarding claim 10, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22); and

A lock (46, 50).

Weikle differs from the claimed invention in that it is not a slide lock.

Monti teaches providing a slide lock (50) having a grip portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position to prevent the housing from being removed from the wall plate.

Hence, the concept of providing a lock is well taught by both of Weikle and Monti.

Therefore, it would have been obvious for one skilled in the art to use Weikle as it is, or to adapt Monti in Weikle, this simply can be considered as a variation of each other as long as the basic concept of locking the adapter onto the wall plate is substantially unchanged.

Regarding claim 23, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22); and

Means for locking (46, 50).

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Regarding claim 31, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22); and



A lock (46, 50).

Weikle differs from the claimed invention in that it is not a slide lock.

Monti teaches providing a slide lock (50) having a grip portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position to prevent the housing from being removed from the wall plate.

Hence, the concept of providing a lock is well taught by both of Weikle and Monti.

Therefore, it would have been obvious for one skilled in the art to use Weikle as it is, or to adapt Monti in Weikle, this simply can be considered as a variation of each other as long as the basic concept of locking the adapter onto the wall plate is substantially unchanged.

Regarding claims 24-27, 32-33, 36, the combination of Weikle and Monti shows:

The cavity (between the base and the cover, see Weikle and Monti);

The locking means (50 in Monti);

The slide lock (50 in Monti) having the grip portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position;

The grip portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);

Guide ribs (43);

A retaining rib (35);

The push-button lock (50) having the actuating portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

The actuating portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);

Retaining clips (43); and

Retaining posts (63).

### **ARGUMENT**

6. In response to the remarks, pages 10-11, applicant first argues that "Monti does not .... *slidingly* moveable to *obstruct* ..... Monti ... *rotates*...". Applicant then cited Monti's col. 4, lines 8-17 to support his argument. The examiner disagrees. First, Monti's lock both slides and rotates. Even in applicant's cited col. 4, lines 8-17, it does state that "the split end of the retainer spring ***slides*** along the indented body of the latch spring 50 ...". In Monti's col. 4, lines 51-54, Monti further states that "... manual ***slide*** operation of the latch mechanism to enable ready removal of the base from the receptacle plate.". It clearly indicates that Monti's lock/latch is slidable.

On pages 11-12, about claims 31 and 34, applicant states that "... for the reasons discussed above, claim 31 ... 34...is patentable...". It appears that applicant is

arguing the same sliding feature for both claims 31 and 34. This issue has been discussed above, see comments above.

On page 12, applicant states that Weikle is not available as a prior art reference under 35 USC 102(b). The examiner agrees. The examiner would like to clarify that it is a typographic error, the rejections under Weikle should be a 102(e) type rejections.

On pages 12-13, about claims 23, 31, the examiner agrees with the applicant that Weikle does not ... *slide*.... Therefore, there is no 102 rejection on these claims.

**On page 13, about claim 34, there is no claimed limitation about sliding.  
Therefore, the 102 rejection under Weikle is maintained.**

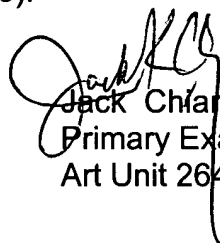
On pages 14-15, about claim 10 and 31, the examiner agrees with the applicant that Weikle does not ... *slide*.... Further, Monti's sliding feature has been discussed above, therefore, a 103 rejection under the combination of Weikle and Monti has been issued on this matter.

Claim 22 has been indicated allowed because the claimed combination of the base, the cover and its window, and the slideable locking mechanism.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jack Chiang  
Primary Examiner  
Art Unit 2642